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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Draft resolution submitted by Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Joinet and Mr. Saboia

1992/... Situation of human rights in Guatemala

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and other international legal instruments for the protection of human rights, as well as by the relevant norms and principles of international humanitarian law,

Recalling its resolution 1991/5 of 23 August 1991 and Commission on Human Rights resolution 1992/78 of 5 March 1992 endorsing the recommendations contained in the report (E/CN.4/1992/5) by the Independent Expert on the situation of human rights in Guatemala, Mr. Christian Tomuschat, and renewing and extending his mandate,

Taking note of the legal and institutional reforms introduced by the Government of Guatemala with a view to combating impunity and guaranteeing the full enjoyment of human rights and fundamental freedoms,

Noting with deep concern that, notwithstanding these measures, a situation of serious violations of human rights persists as a result of practices carried out by groups linked to the security forces,

Aware of the need to reinforce the investigation and punishment of those responsible for human rights violations with the aim of eliminating impunity,

Deeply concerned by the situation of the indigenous peoples, who are subjected to violations of their human, civil, political, economic, social and cultural rights and whose legitimate demands continue to be ignored,

Aware that the situation of refugees and displaced persons within the country who are willing to return to their places of origin, the majority of whom are indigenous inhabitants, requires that the Government of Guatemala should intensify its efforts to create conditions that will enable them to return to their places of origin, enjoying full guarantees of their security and respect for their human rights for that purpose, and should continue to guarantee the security of institutions cooperating in the resettlement of such persons,

Noting with interest the report of June 1992 by the Procurator for Human Rights of Guatemala and emphasizing the importance of this institution for the promotion and protection of human rights,

Noting with appreciation that the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca have continued the process of negotiations following the signature of the Agreements of Oslo (March 1990), Mexico (April 1991) and Querétaro (July 1991) and encouraging them to persist in that process in a constructive spirit until peace [and the full enjoyment of human rights] is achieved,

Noting with appreciation the important work done by the Independent Expert on the situation of human rights in Guatemala, the positive role played by the Observer appointed by the Secretary-General of the United Nations and the constructive contribution made by the National Conciliator, Monsignor Rodolfo Quezada Toruno, in the search for a political solution to the internal armed conflict,

Aware that the interests of all sectors of Guatemalan society must be taken into account in the peace negotiations,

1. Expresses its deep concern over the persistence of serious human rights violations in Guatemala, despite the Government's efforts to combat them;

2. Exhorts the Government of Guatemala to intensify those efforts so as to ensure respect for all human rights and full observance of the relevant international instruments, including the norms of international humanitarian law;

3. Acknowledges the undertaking by the Government of Guatemala to this effect and expresses its appreciation of the cooperation which the Government has extended to the United Nations under the advisory services in the field of human rights;

4. Urges the Government of Guatemala to intensify investigations aimed at identifying and bringing to justice those responsible for violations of human rights, to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights, and to ensure that the judicial system can operate independently and with due protection being afforded to judges, investigators, witnesses and the relatives of victims;

5. Calls upon the Government of Guatemala, particularly considering that the year is 1992, to emphasize the need to respond to the requests and proposals of the indigenous peoples through the adoption of practical measures to improve their economic, social and cultural conditions;

6. Again exhorts the Guatemalan authorities to strengthen measures to ensure that human rights are respected in the country in all their aspects and to pay special attention to the recommendations made by the Independent Expert in his report, principally the abolition of the system for the protection of the citizenry and of the voluntary civil self-defence committees, within the context of the negotiations between the Government and the Unidad Revolucionaria Nacional Guatemalteca;

7. Exhorts the Government of Guatemala to adopt urgent measures to facilitate the return of refugees and displaced persons within the country who wish to go back to their places of origin, while at the same time affording

all guarantees of security and full respect for human rights, and also to continue to guarantee the security of all institutions cooperating in such resettlement;

8. Encourages the Procurator for Human Rights of Guatemala and his associates to continue their intensive and positive efforts for the protection of human rights, and at the same time appeals to the international community to provide this institution with support and cooperation;

9. Expresses its appreciation of the contribution to the peace process made by the Independent Expert, as well as by the Observer appointed by the Secretary-General of the United Nations and the National Conciliator, and expresses its conviction that the United Nations should continue and intensify its cooperation both in the field of human rights and with regard to all matters concerning the peace negotiations in Guatemala;

10. Urges both parties, the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, to reach an agreement on human rights as rapidly as possible and to continue the peace negotiations in a climate of mutual respect and a constructive spirit, taking into consideration the interests of all sectors of society.